



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 10/075,994

Applicant: Kasid et al.

Filed: February 15, 2002

TC/AU: 1635

Examiner: Jane Zara

Docket No.: 219604

Customer No.: 23460

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Communication**

Sir:

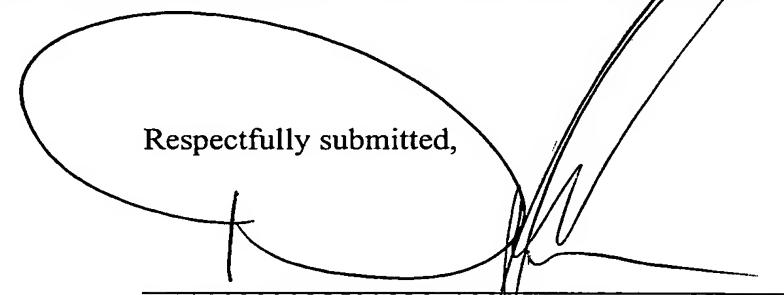
The Notice of Allowability, mailed on February 2, 2006, states that a substitute oath or declaration must be submitted in connection with this application. The Examiner's Amendment accompanying the Notice indicates that the reason for a substitute oath or declaration is required is because, "A newly executed oath or declaration is required in a continuation-in-part application filed under 37 C.F.R. § 1.53(b)."

While 37 C.F.R. § 1.63(e) does set forth a requirement that a newly executed oath or declaration is required for CIP applications, applicants note that such was submitted in connection with the present application. Attached hereto is a copy of the Filing Completion Under Rule 53(f) and the accompanying Declaration and Power of Attorney signed by all of the named inventors, which was filed by the prior agent of record. The copies bear the stamp of the Office of Initial Patent Examination (OIPE) noting receipt on July 18, 2002.

The Examiner's Amendment does not identify any deficiency in the Declaration filed on July 18, 2002. The only reason for the requirement to file a substitute Declaration is that a

newly executed oath or declaration is required in CIP applications. It is respectfully urged that this requirement has been complied with and that no additional declaration is needed. Applicants, thus, respectfully urge the requirement for submitting a substitute declaration be withdrawn.

Respectfully submitted,

  
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Date: May 1, 2006

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)

For Design, Provisional, or Utility Applications

PATENT  
APPLICATIONCOMPLETION Under  
Rule 53(f)

Attn: Application Division

In re PATENT APPLICATION of

Inventor(s): Kasid et al.

Appln. No.: 10

Series Code ↑

075,994

Serial No. ↑

Atty.Dkt. P

0280682

M#

KAUS430501

Client Ref

Filed: February 15, 2002

Title: Chemosensitizing with Liposomes Containing Oligonucleotides

7/18/2002 XDAMTE1 00009021 033975 0075594

FD-205 65.00 CH  
FD-215 55.00 CHHon. Commissioner of Patents  
Washington, DC 20231

Date: July 18, 2002

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. Notice to File Missing Parts  copy attached  not yet received

2.  Signed Declaration attached.  Original  Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and  
 "X" box 2A only if top box of the Declaration is X'd and file application copy, or  
 "X" box 2B only if none of the top three boxes of the Declaration is X'd.)

2A.  Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.

2B.  The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

3.  Specification originally filed in non-English language; hence verified translation attached of:

a.  Abstract

b. #  pages of Specification(only spec. & claims)

c.  Drawing(s)  No of Sheets  
 Fig(s).

4.  Letter filing formal drawing attached.

5.  Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

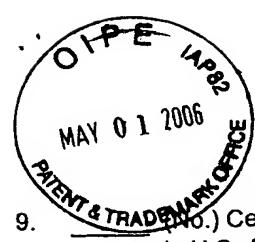
Application No.	Filing Date	Application No.	Filing Date
(1) 09/538,241	3/30/00	(2) 09/354,109	7/15/99
(3) 08/957,327	10/24/97	(4) 60/041,192	3/21/97
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in \_\_\_\_\_

8.

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

COPY



9. ( ) Certified copy (copies):  attached;  previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_

10. Small Entity Status  is Not claimed  is claimed (file PAT-256 if this is the first claim of Small Entity Status)

11.  Attached:

12.  Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

		Large/Small Entity		Fee Code
13. Basic Filing Fee .....	Design Application Not Design Application	\$330/\$165 \$740/\$370	+	106/26 101/201
14. Total Effective Claims	minus 20 =	x \$18/\$9	+0	103/203
15. Independent Claims	minus 3 =	x \$84/\$42	+0	102/202
16. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)		\$280/\$140	+0	104/204
17. Surcharge for filing Declaration/filing fee late		\$130/\$65	+65	105/205
18.		FILING FEE =	\$65	
19. Original due date:	June 18, 2002			
20. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2mos) (3mos) (4mos)	\$110/\$55 = \$400/\$200 = \$920/\$460 = \$1,440/\$720 =	+55	115/215 116/216 117/217 118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee .....		\$130	+0	139
22. If "assignment" box 5 is X'd, add recording fee. ....		\$40	+0	581
23. Petition Fee for		\$130	+0	
24.		TOTAL FEE =	\$120	
				PLEASE CHARGE OUR DEP. ACCT.

Our Deposit Account No. 03-3975

Our Order No. 082137 | 0280682

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP  
Intellectual Property Group

P.O. Box 10500  
McLean, VA 22102  
Tel: (703) 905-2000

By Atty: Robin L. Teskin Reg. No. 35,030

Sig: RLT Fax: (703) 905-2500  
Tel: (703) 905-2200

Atty/Sec: RLT/LAK

NOTE: File in duplicate with PTO rec ipt (PAT-103A) and attachments

COPY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED Chemosensitizing with Liposomes Containing Oligonucleotides

the specification of which (CHECK applicable BOX(ES))

A.  is attached hereto.  
BOX(ES)       B.  was filed on February 15, 2002 as U.S. Application No. 10/075,994  
→       C.  was filed as PCT International Application No. PCT/    on   

and (if applicable to U.S. or PCT application) was amended on     
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)	Country	Date first Listed open or Published	Date Patented or Granted	Priority NOT Claimed
Number	Day/MONTH/Year Filed			

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If more prior foreign applications, X box at bottom and continue on attached page.  
Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)	Day/MONTH/Year Filed	Status	Priority NOT Claimed
Application No. (series code/serial no.)	24 October 1997	pending, abandoned, patented	
08/957,327		Patented	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (703) 905-2000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or an attorney of that Firm in writing to the contrary.

\*00909\*

00909

Date: 5/24/02

(1) INVENTOR'S SIGNATURE: Usha Keerl

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FOR ADDITIONAL INVENTORS see attached page.

See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. P0280682  
(M#)



COPY

PAT-116CN 6/01

## DECLARATION AND POWER OF ATTORNEY

(continued)  
ADDITIONAL INVENTORS:

## (3) INVENTOR'S SIGNATURE:

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5/24/02

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Date:

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Date: 5/28/02

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Rahman

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(Include Zip Code)		20007	

## (8) INVENTOR'S SIGNATURE:

*Residence*

Date:

Family Name

First	Middle Initial	Family Name	
Residence			
City		State/Foreign Country	
Mailing Address			
(Include Zip Code)			

## (9) INVENTOR'S SIGNATURE:

*Residence*

Date:

Family Name

First	Middle Initial	Family Name	
Residence			
City		State/Foreign Country	
Mailing Address			
(Include Zip Code)			

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PAT-116CN 601

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DECLARATION AND POWER OF ATTORNEY  
(CONTINUED)  
ADDITIONAL INVENTORIES

*John Pet.*

DATE: 5/20/02

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(2) INVENTOR'S SIGNATURE	
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(3) INVENTOR'S SIGNATURE	
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(4) INVENTOR'S SIGNATURE	
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(5) INVENTOR'S SIGNATURE	
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(6) INVENTOR'S SIGNATURE	
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